

**REMARKS**

Claims 1 through 16, 18 through 24, and 27 are now pending in the application. Claims 4, 5, 14, 18 and 23 are withdrawn. Claims 17, 25, and 26 are herein canceled. Claims 1, 2, 7, 8, 11, 15, 16, 19, 21, and 27 are herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 6, 8-13, 15-17, 19-22 and 24-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 29,505,682. This rejection is respectfully traversed.

It is initially noted Claims 17, 25, and 26 have been herein canceled, rendering the 35 U.S.C. § 102(b) rejection of Claims 17, 25, and 26 moot.

The DE 29,505,682 reference cited by the Examiner is available to Applicant only in the German language form. Following an investigation and to Applicant's knowledge DE 29 505 682 was published only in the German language. Applicant's representative Thomas Krul confirmed in a telephone conversation with the Examiner on June 9, 2006 that the Examiner does not have a translated copy of DE 29 505 682 from which to determine the disclosure of the specification of DE 29 505 682. Applicant notes there is no specific discussion in the office action of the dog ring plate elements recited in dependent Claims 11 (currently amended to be in independent form) or 12. These

elements do not appear to be shown in the figures of DE 29 505 682. The Examiner has therefore not established a *prima facie* case of anticipation with respect to Claims 11 or 12. Applicant has therefore amended dependent Claim 11 to include the limitations of the base Claim and all intervening claims. The amendment to Claim 11 has therefore not been made to narrow the scope of Claim 11 or for patentability reasons. Claim 11 and Claim 12 which depends from Claim 11 should therefore be in allowable form. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 11 and 12.

It is also initially noted Claim 1 has been amended to recite in part:

"an input pinion extending outwardly from the second differential, the input pinion including a splined shaft;  
a two mode drive unit having a flange to directly connect the two mode  
drive unit to the second differential, the two mode drive unit further  
including a planet carrier directly connected to the splined shaft and  
operable to rotate the input pinion."

Support for this amendment is found in paragraphs [0027] and [0029] of the specification and Figure 7.

DE 29 505 682 appears to disclose either a bevel gear 31 or a sun gear 40 that connect the output of drive unit 30 to the second or rear differential 32. DE 29 505 682 does not appear to disclose an input pinion extending outwardly from the second differential, the input pinion including a splined shaft. DE 29 505 682 does not appear to disclose a two mode drive unit having a flange to directly connect the two mode drive

unit to the second differential. DE 29 505 682 does not appear to disclose the two mode drive unit further including a planet carrier directly connected to the splined shaft and operable to rotate the input pinion. DE 29 505 682 therefore does not anticipate amended Claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 1. Because Claims 2, 3, and 6 depend from Claim 1, DE 29 505 682 does not anticipate any of Claims 2, 3, or 6 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 2, 3, and 6.

DE 29 505 682 does not anticipate amended Claim 2 for the following additional reason. Claim 2 has been amended to recite the two mode drive unit comprises a mechanical connector operable to directly mount the two mode drive unit to the second differential, the mechanical connector including a pilot element. Support for this amendment is found in paragraph [0027] of the specification. DE 29 505 682 does not disclose the mechanical connector includes a pilot element. DE 29 505 682 therefore cannot anticipate amended Claim 2 for this additional reason.

It is further initially noted Claim 8 has been amended to recite in part:

“a second differential operable to rotate the second set of wheels, the second differential having a differential flange;  
a drive unit including a connector defining a housing flange having a pilot member extending from the housing flange, the housing flange and the pilot member both operable to engage the differential flange of the second differential to directly connect the drive unit to the second differential.”

Support for this amendment is found in paragraph [0027] of the specification and Figure 7.

DE 29 505 682 does not appear to disclose the second differential having a differential flange or a drive unit including a connector defining a housing flange having a pilot member extending from the housing flange, the housing flange and the pilot member both operable to engage the differential flange of the second differential to directly connect the drive unit to the second differential as recited in amended Claim 8.

DE 29 505 682 therefore cannot anticipate amended Claim 8. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 8. Because Claims 9, 10, 13, and 15 depend from Claim 8, DE 29 505 682 does not anticipate any of Claims 9, 10, 13, or 15 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 9, 10, 13, and 15.

Applicant notes the connector element of dependent Claim 15 has been incorporated in amended Claim 8, therefore Claim 15 has been amended to delete this element. The Examiner is respectfully requested to enter the amendment to Claim 15.

It is still further noted that Claim 16 has been amended to recite in part:

"directly mounting the drive unit to the vehicle rear differential using a drive unit flange having a pilot member both operably coupling with a receiving flange of the second differential; and  
transferring a vehicle drive torque from a planetary carrier of the drive unit to a directly connected input pinion of the second differential."

Support for this amendment is found in paragraphs [0027] and [0029] of the specification and Figure 7.

For at least the same reasons as noted above with respect to Claims 1 and 8, DE 29 505 682 cannot anticipate amended Claim 16. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 16. Because Claims 19 and 20 depend from Claim 16, DE 29 505 682 does not anticipate any of Claims 19 or 20 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 19 and 20.

Applicant notes Claim 19 has been amended herein to correct the antecedent basis for the vehicle drive torque, which is now recited in amended Claim 16. The Examiner is respectfully requested to enter the amendment to Claim 19.

It is still further noted Claim 21 has been amended to include the limitations of Claims 25 and 26, and Claims 25 and 26 have therefore been canceled.

DE 29 505 682 does not disclose the ring gear is stationary relative to the input of the multi-speed gearbox when the multi-speed gearbox is operated in the first gear ratio as recited in previous dependent Claim 26. DE 29 505 682 therefore cannot

anticipate Claim 26. Claim 26 should therefore be in allowable form. For this reason, the features of Claim 26 together with the limitations of the intervening Claim 25 have been recited in amended Claim 21. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 21. Because Claims 22, 24, and 27 depend from Claim 21, DE 29 505 682 does not anticipate any of Claims 22, 24, or 27 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 22, 24, and 27.

Claim 27 which previously depended from Claim 26 has been editorially amended to depend from Claim 21. The Examiner is respectfully requested to enter the amendment to Claim 27.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claim 7 would be allowable if rewritten in independent form. Accordingly, Applicant has amended Claim 7 to include the limitations of the base claim and any intervening claims. Therefore, Claim 7 should now be in condition for allowance.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

By:   
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